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C O N F I D E N T I A L SECTION 01 OF 04 KATHMANDU 001237

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SUBJECT: NEPAL: UNHCR BRIEFING ON BHUTANESE REFUGEES

REF: (A) KATHMANDU 1219 (B) KATHMANDU 1139

Classified By: Ambassador Michael E. Malinowski for Reasons 1.5 (b, d).

11. (C) Summary. In a briefing to the donor community in Nepal on June 30, UNHCR Country Director Abraham Abraham expressed strong concern over the results of the verification of the first camp of Bhutanese refugees. These results, he said, present "serious difficulties" for some refugee families. Refugee demonstrations against the verification report continued through June 23; Abraham confirmed Maoist student wing involvement in the protests. A majority of the camp's residents are expected to file appeals by the July 2 deadline. UNHCR has no indication of how many Khundunabari camp residents will choose to return to Bhutan voluntarily, although Abraham expected that preliminary numbers would be available by late-August, one month before repatriation occurs. Abraham confirmed that UNHCR is not inclined to support continued funding of the Khundunabari camp after repatriation even if refugees remain for local resettlement. Abraham has approached the Government of Nepal (GON) on developing a strategy to resettle refugees who do not wish to return to Bhutan, but GON responses have been noncommittal. UNHCR will continue to seek approval for its involvement in verification and repatriation and hopes that donor governments will do the same. End Summary.

12. (U) UNHCR Country Director Abraham Abraham invited all diplomatic mission representatives for a briefing on June 30 regarding the Bhutanese refugee situation, the status of the 19 Tibetan refugees detained June 24 (Ref A), and an update on UNHCR's protection program against gender-based violence (septel). Along with Ambassador Malinowski, the German, French and Danish Chiefs of Mission, UK Charge and representatives from the EU, Japan, Canada and the World Food Program attended the briefing.

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Khundunabari Camp Verification Report  
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13. (SBU) Abraham reported that UNHCR has agreed to meet with GON and Royal Government of Bhutan (RGOB) officials to discuss implementation of the bilateral program despite the absence of UNHCR involvement in the verification process. Abraham expressed "deep concern" about inconsistencies in the Joint Verification Team's (JVT) Khundunabari Camp report released June 18 (Ref B). The results present "serious difficulties" for refugee families, he said. Abraham confirmed reports that families have been split between categories. In some cases, parents are in Category III (non-Bhutanese) and therefore ineligible for repatriation whereas their children are in Category II (Bhutanese who voluntarily departed) and are eligible for repatriation. There are also cases where children as young as three years old have been categorized as criminals (Category IV) along with their parents. (Note. Category III refugees (non-Bhutanese) are expected to return to their home country while those in Category IV (Bhutanese criminals) can return to Bhutan, but would face criminal charges. End Note.) The Nepalese Foreign Ministry Secretary Madhu Raman Acharya later admitted to Abraham that categorizing children as criminals had been a mistake. Although Acharya did not detail how this would be prevented, Abraham was hopeful that future verifications would be more sensitive to the issue. Abraham cited the need to conduct a complete and simultaneous verification of the remaining six camps. A complete verification is necessary to allow the GON and other donor countries to move forward with other resettlement options, he said.

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Refugee Staged Protests, But Now All Is Calm  
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14. (SBU) Following the release of the JVT report on June 18, camp residents were calm, perhaps in a state of shock, Abraham said. However, the following morning, demonstrations involving almost the entire 12,000 residents of Khundunabari Camp and significant numbers in other camps occurred throughout the day of June 19. On June 20, refugee students, complaining that the camp's organizing committee was not doing enough to promote the refugees' cause, attempted to

take over the World Refugee Day celebrations. However, camp security stayed away from the students and allowed the refugee leaders and UNHCR officials to defuse the situation.

15. (SBU) On June 21, approximately 300 adult refugees left the camp to demonstrate in the nearby community. Hundreds more refugee students also left the camps to demonstrate in front of the JVT building in nearby Damak. Threatening to arrest the refugees, security forces called upon the UNHCR and other NGOs to talk to the protesters and encourage them to return to the camps. (Note: Although the tenor of the demonstrations were non-violent, the refugees were breaking two Nepali laws, one requiring refugees to obtain permission before leaving the camps and the other requiring permission before staging a public protest. End Note.) Demonstrations continued on June 22 and 23 with reports of only small skirmishes between students and security forces. Refugee students reportedly threatened refugee leaders in the camp and accused them of selling-out to the JVT. However, after a meeting with UNHCR officials on June 23, most refugees turned their attention to filing appellate applications.

16. (C) UNHCR officials confirmed reports that the Maoist student wing ANNISU-R was involved in motivating and organizing the Bhutanese refugee student union protest. Two ANNISU-R leaders, Govinda Thapa and Govinda Koirala, were seen in front of the JVT building in Damak on the day of the protest. Rumors abound that ANNISU-R bankrolled the refugee students' transportation to and from Damak, but are unsubstantiated. Security forces in Damak reported that the next time any ANNISU-R leaders appear in front of the JVT building, the police would arrest them.

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Majority of Refugees File Appeals  
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17. (SBU) The UNHCR has made it clear to the GON that the rules governing the appeal process are unacceptable. Abraham specifically pointed to the fact that appeals must be made to the original adjudication body. Such a body is not likely to reverse its previous decision, he said. Abraham has raised this problem with both Prime Minister Thapa, who agreed to look into it, and the Indian Ambassador to Nepal, who agreed to discuss the issue with both the GON and RGOB. In addition, refugees must submit new documentation or information in order to have their appeal heard. However, few, if any, refugees will have new documentation to provide the JVT.

18. (SBU) The appeal process is currently the issue of greatest concern to the refugees. Many refugees had boycotted the appeal process; only five appeals had been submitted within the first week. However, after UNHCR officials explained to the refugees that this was their one chance to file a formal protest to the JVT, nearly all Khundunabari camp residents rushed to complete the appellate application before the July 2 deadline. At the refugees' request, UNHCR has made a photocopier available to enable the refugees to submit the application properly.

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The Way Forward: UNHCR Involvement Remains Unlikely  
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19. (C) Abraham reported briefly on UNHCR Asia and Pacific Director Fakhouri's June 24-26 visit to Bhutan. He said that the RGOB has remained adamant against a UNHCR presence in Bhutan and, therefore, UNHCR will not be involved in the repatriation or resettlement program. Abraham also confirmed that Fakhouri was able to dispel concerns that camps and barracks under construction in southern Bhutan will be used for refugee resettlement. However, Abraham seemed skeptical that these camps had been built for displaced persons in advance of a possible military crackdown on Indian separatists in Southern Bhutan, as the RGOB has claimed.

110. (SBU) The UNHCR has received no indication on the numbers of Khundunabari Camp residents who will return voluntarily to Bhutan under existing conditions. Abraham said that the refugees desire an international presence for their protection in Bhutan, implying that without that protection, some refugees may decide to apply for resettlement in Nepal or abroad. UNHCR will continue to look for a window of opportunity to become involved, he said. However, UNHCR will support only a full, voluntary and monitored repatriation to the refugees' home areas. Abraham expressed frustration with the current situation, citing a 2-page long list of questions submitted by refugees inquiring about conditions in Bhutan, for which UNHCR has been unable to provide answers. Without UNHCR oversight in Bhutan, Abraham said, residents of the other six refugee camps will have to rely on repatriated Khundunabari Camp refugees to provide information regarding conditions in Bhutan.

111. (SBU) Abraham reported that he recently met with Foreign Secretary Acharya on developing a local resettlement program

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for the refugees not returning to Bhutan. However, Acharya was noncommittal, saying only that the GON would take up that discussion after repatriation begins in September. The GON does not want to bias refugees' decisions to return to Bhutan by offering local resettlement, Abraham said. Abraham has also raised this issue with Prime Minister Thapa, who indicated that discussions on local settlement could begin after the Fifteenth Nepal-Bhutan Joint Ministerial taking place August 11-14. The August Ministerial will decide on the logistical details of repatriation and resettlement, including a final passenger manifest that will help determine how many refugees might seek to stay in Nepal. Abraham suggested that donor governments should consider assisting the GON with a local resettlement program, especially since UNHCR is not inclined to keep Khundunabari Camp open after repatriation.

12. (SBU) Abraham concluded the briefing by saying that UNHCR is making every effort to dispel the RGOB's suspicions of UNHCR and to remain engaged in the process. But progress has been slow and difficult, particularly since the RGOB contends that UNHCR has encouraged the refugees to demonstrate against the JVT results for Khundunabari Camp. The World Food Program representative commented that WFP has a presence in Bhutan and has offered the RGOB assistance for the resettlement of the refugees. Although the RGOB has not accepted the offer, it did not decline it outright, she reported.

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Comment  
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13. (C) Despite the political, social and economic uncertainties, Post predicts that most Khundunabari Camp residents in Category II (8,595 people or 70.5 percent) will choose to return to Bhutan in hopes of resuming a normal life. Post expects information from the returnees on current conditions in Bhutan will begin trickling back to camps in Nepal soon after repatriation. This information will strongly influence the six remaining camp refugees' decisions on whether to return to Bhutan or apply for resettlement elsewhere. Without international monitoring, it will be impossible to confirm or dispel negative impressions of conditions in Bhutan, which could discourage further repatriation to Bhutan. Although it remains unlikely that the RGOB will allow UNHCR to play a role in the reintegration of the refugees in Bhutan, Post will continue to press for its involvement. Post believes it would still be useful to demarche Bhutanese donor capitals on the need to pressure the RGOB, prior to the 15th Joint Ministerial on August 11, to allow for international participation in the repatriation process. End Comment.  
MALINOWSKI